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**AGENCY OVERVIEW****360 Protection and Advocacy**

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**Date:** 01/13/2011**Time:** 11:02:11**Statutory Authority**

North Dakota Centruy Code Chapter 25-01.3.

**Agency Description**

The Protection and Advocacy Project (P&A) is governed by a seven-member board with appointments being made by Legislative Council, the Governor, the Mental Health Association in North Dakota, the Arc of North Dakota, and an entity selected by the committee.

Current federal programs include the: 1) Developmental Disabilities Advocacy Program; 2) Mental Health Advocacy Program; 3) Protection and Advocacy for Individual Rights; 4) Assistive Technology Advocacy Program; 5) Protection and Advocacy for Beneficiaries of Social Security; 6) Traumatic Brain Injury Advocacy Program; and 7) the Help American Vote Act.

P&A investigates allegations of abuse, neglect and exploitation of individuals with disabilities. P&A works collaboratively with the Vulnerable Adult Protective Services Program, Child Protective Services, and the Long-Term Care Ombudsman Program. P&A engages in proactive activities such as education and training, self advocacy support, and representation on various state and local committees and task forces.

**Agency Mission Statement**

The purpose of the agency is to protect and advocate for the rights of people with disabilities. As set by the Committee on Protection and Advocacy in November 2000, the mission reads: Uniting to champion the equality and inclusion of people with disabilities where we live, learn, work and play

**Agency Performance Measures**

P&A develops an annual plan with numerous goals and objectives. These relate to our seven federal grants. P&A's activities can be classified into six main areas of effort. While terminology, definitions, focus and depth of each activity varies, similar services are provided by the protection and advocacy systems in each state and territory.

1. Protective services – ensuring appropriate response, including risk management, investigation and provision of remedial effort, to reports of suspected abuse, neglect and/or exploitation of individuals with disabilities.
2. Case advocacy – providing advocacy and/or legal representation, within identified priority areas, to eligible individuals with disabilities to ensure access to appropriate services and resolution of disability-related discrimination or other rights violations.
3. Systems advocacy – collaborating with appropriate stakeholders to identify and advocate for systemic change that will result in positive outcomes for people with disabilities.
4. Information and referral – providing verbal and written information as well as directing individuals to resources external to P&A.
5. Education and training – training provided to groups of individuals, including people with disabilities and service providers, on disability-related rights issues as well as the development and publication of rights-related documents.
6. Self-advocacy support – providing information, technical assistance, and support to self-advocacy groups.

In the summer of 2009, P&A mailed a survey to 358 individuals and organizations requesting input on P&A's priorities and activities. Of note, the survey asked "Do you believe P&A's work is helpful to people with disabilities and their families?" Of the 53 respondents, 50 (over 94%) indicated 'yes' and 3 (less than 6%) indicated 'no'.

**Major Accomplishments**

1. Implemented a centralized intake process for new referrals and reports in August 2009. This has lead to greater consistency in the application of federal eligibility and case selection criteria. P&A is able to be more immediately responsive to requests for services since someone is always available to receive calls. Central intake staff provides the bulk of information and referral services. As a result, regional disabilities advocates have more time and resources to devote to advocacy and protective services. This also works well in conjunction with P&A's after-hours on-call service.

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2. Worked collaboratively and effectively with the Developmental Disabilities (DD) Division of the Department of Human Services, as well as DD service providers, to implement statewide 'serious events' reporting as required of the state by CMS. This is seen as an important quality assurance component for the service delivery system for people with developmental disabilities.
3. Played a key role in development and promotion of the 6th Annual AT Expo in Fargo. This is an annual conference that provides a public forum/educational opportunity for increased awareness of assistive technology and its role in making the community more accessible in learning, home, and work environments. The 2009 AT Expo had the highest attendance numbers to date – there were over 500 participants, and 58 AT device or service vendors.
4. Along with the North Dakota Center for Persons with Disabilities and the state DD Council, P&A was the subject of a federal monitoring by the Administration on DD in May 2009. Collaboratively known as the North Dakota Developmental Disabilities Network (NDDDN), the three agencies worked effectively to educate the visiting team about North Dakota through an electronic pre-site visit in February of the same year. The Monitoring and Technical Assistance Review System (MTARS) went well for P&A. While there were some recommendations, no compliance issues were found and a number of compliments and strengths were noted.
5. Organized Legislative Working Committees (LWCs) across the state during the 2009 Legislative Session. The LWC is considered "the pipeline" for people with disabilities, family members, and advocates to network and to receive information about disability-related legislation. The groups met weekly during the Session. Facilitators reviewed new bills introduced, the status of pending bills, and upcoming hearing schedules. Participants were encouraged to express their individual experiences and views to legislators and received support and assistance, upon request, with contacting their individual legislators or with preparing testimony. P&A played a significant role in organizing the groups as well as with information dissemination.
6. Tracked 179 bills during the 2009 session that had a potential impact on individuals with disabilities and their families. These included bills related to: North Dakota Department of Human Services funding and services, traumatic brain injury, the State Developmental Center and State Hospital, tax credits and exemptions, housing; dementia, transition-aged youth, veterans services, educational services (K-12), accessibility, health care, discrimination, legal services, professional licensure, privacy, voting, long-term care, dental services, transportation, prescriptions, service animals, and mental health commitments. Ninety e-mails were sent out during the session with this information. Initially 41 individuals were on the distribution list but the number quickly grew to a total of 184, many of whom passed the information on to their membership or other organizations. The 'Legislative Grid' (table of the tracked bills) included "hot links" to internet postings of bills, amendments, engrossments, and fiscal notes. Information was also provided to help individuals understand the Legislative process and how to advocate in a variety of ways. This project is especially valuable to individuals who do not reside in Bismarck. They received up-to-date information one to three times/week, including notes from hearings of special interest. As a result, self-advocates from outlying communities came to Bismarck to testify during 'public comment' on the Department of Human Services budget. They advocated for areas of particular concern to them such as funding for Mental Health Peer Support, Extended Services, and salary increases for developmental disabilities service provider staff. There was also support for new initiatives including traumatic brain injury services and a task force for autism spectrum disorder.

**Future Critical Issues**

P&A's proposed budget for the 2011-2013 biennium was developed with the assumption of level funding for all of its seven federal grants (DD, MH, PAIR, AT, PABSS, TBI, HAVA). While predictions are based on historical information and sound reasoning, they may not come to fruition which will, of course, decrease P&A's resources. Other federal grant possibilities for protection and advocacy systems continue to be discussed on the national level however there is nothing concrete on the horizon.

Congress determines the dollar amount for the grants for the P&A system. The federal granting authority then applies a formula for determining the amount given to each state and territory. North Dakota is a minimum allotment state. The total of our federal grant amounts has fluctuated a bit, both up and down. Overall, the increases in federal grants have been minimal and are largely due to the fact that P&A has gained two new grants beginning in 2003, meaning more responsibility along with the funding.

P&A's payroll obviously increases each year with Legislative raises and increased health insurance premiums making most of the impact. In the past when these increases were authorized, the spending authority was allocated relative to the funding sources for the agency's payroll. During the 2009-2011 biennium, State General Funds were provided for the equity and merit increases. This made a significant positive impact on P&A's budget since there is no additional federal grant money made available to North Dakota, as a minimal allotment state, to address such increases.

**REQUEST SUMMARY**

360 Protection and Advocacy

Biennium: 2011-2013

Bill#: SB2014

Date: 01/13/2011

Time: 11:02:11

| Description                      | Expenditures<br>2007-2009<br>Biennium | Present<br>Budget<br>2009-2011 | Budget<br>Request<br>Change | Requested Budget<br>2011-2013<br>Biennium | Optional<br>Budget<br>Request |
|----------------------------------|---------------------------------------|--------------------------------|-----------------------------|---|-------------------------------|
| <b>By Major Program</b>          |                                       |                                |                             |   |                               |
| Protection and Advocacy Program  | 3,628,139                             | 4,713,318                      | 205,999                     | 4,919,317                                 | (54,013)                      |
| <b>Total Major Program</b>       | <b>3,628,139</b>                      | <b>4,713,318</b>               | <b>205,999</b>              | <b>4,919,317</b>                          | <b>(54,013)</b>               |
| <b>By Line Item</b>              |                                       |                                |                             |   |                               |
| Protection and Advocacy Services | 3,628,139                             | 4,713,318                      | 205,999                     | 4,919,317                                 | (54,013)                      |
| <b>Total Line Items</b>          | <b>3,628,139</b>                      | <b>4,713,318</b>               | <b>205,999</b>              | <b>4,919,317</b>                          | <b>(54,013)</b>               |
| <b>By Funding Source</b>         |                                       |                                |                             |   |                               |
| General Fund                     | 929,107                               | 1,725,815                      | 74,614                      | 1,800,429                                 | (54,013)                      |
| Federal Funds                    | 2,699,032                             | 2,987,503                      | 131,385                     | 3,118,888                                 | 0                             |
| Special Funds                    |                                       |                                |                             |   |                               |
| <b>Total Funding Source</b>      | <b>3,628,139</b>                      | <b>4,713,318</b>               | <b>205,999</b>              | <b>4,919,317</b>                          | <b>(54,013)</b>               |
| <b>Total FTE</b>                 | <b>27.50</b>                          | <b>28.50</b>                   | <b>0.00</b>                 | <b>28.50</b>                              | <b>0.00</b>                   |

## REQUEST DETAIL

360 Protection and Advocacy

Bill#: SB2014

Date: 01/13/2011

Biennium: 2011-2013

Time: 11:02:11

| Description                             | Expenditures<br>2007-2009<br>Biennium | Present<br>Budget<br>2009-2011 | Budget<br>Request<br>Change | Requested Budget<br>2011-2013<br>Biennium | Optional<br>Budget<br>Request |
|---|---------------------------------------|--------------------------------|-----------------------------|---|-------------------------------|
| <b>Protection and Advocacy Services</b> |                                       |                                |                             |   |                               |
| Salaries - Permanent                    | 2,264,031                             | 2,753,066                      | 65,660                      | 2,818,726                                 | 0                             |
| Temporary Salaries                      | 4,570                                 | 10,800                         | (7,162)                     | 3,638                                     | 0                             |
| Overtime                                | 3                                     | 0                              | 0                           | 0   | 0                             |
| Fringe Benefits                         | 811,219                               | 1,033,593                      | 11,622                      | 1,045,215                                 | 0                             |
| Travel                                  | 103,503                               | 160,050                        | (18,466)                    | 141,584                                   | 0                             |
| Supplies - IT Software                  | 1,358                                 | 5,251                          | (1,291)                     | 3,960                                     | 0                             |
| Supply/Material-Professional            | 20,774                                | 39,010                         | 14,279                      | 53,289                                    | (4,389)                       |
| Miscellaneous Supplies                  | 20                                    | 3,696                          | 2,304                       | 6,000                                     | 0                             |
| Office Supplies                         | 13,804                                | 12,000                         | 4,994                       | 16,994                                    | 0                             |
| Postage                                 | 10,721                                | 16,970                         | 4,430                       | 21,400                                    | 0                             |
| Printing                                | 23,221                                | 60,825                         | (15,625)                    | 45,200                                    | 0                             |
| IT Equip Under \$5,000                  | 11,966                                | 25,974                         | 917                         | 26,891                                    | (1,500)                       |
| Other Equip Under \$5,000               | 7                                     | 0                              | 0                           | 0   | 0                             |
| Office Equip & Furn Supplies            | 1,743                                 | 11,899                         | (724)                       | 11,175                                    | 0                             |
| Insurance                               | 5,828                                 | 5,024                          | 821                         | 5,845                                     | 0                             |
| Rentals/Leases - Bldg/Land              | 167,412                               | 184,185                        | 19,047                      | 203,232                                   | 0                             |
| Repairs                                 | 9,146                                 | 10,241                         | (1,671)                     | 8,570                                     | 0                             |
| IT - Data Processing                    | 58,951                                | 68,889                         | 39,288                      | 108,177                                   | (10,782)                      |
| IT - Communications                     | 44,529                                | 50,000                         | (6,283)                     | 43,717                                    | 0                             |
| IT Contractual Srvcs and Rprs           | 5,873                                 | 800                            | 1,000                       | 1,800                                     | 0                             |
| Professional Development                | 20,497                                | 30,925                         | 775                         | 31,700                                    | 0                             |
| Operating Fees and Services             | 9,653                                 | 38,500                         | 6,500                       | 45,000                                    | 0                             |
| Fees - Professional Services            | 39,310                                | 191,620                        | 78,242                      | 269,862                                   | (30,000)                      |
| IT Equip/Sftware Over \$5000            | 0                                     | 0                              | 7,342                       | 7,342                                     | (7,342)                       |
| <b>Total</b>                            | <b>3,628,139</b>                      | <b>4,713,318</b>               | <b>205,999</b>              | <b>4,919,317</b>                          | <b>(54,013)</b>               |
| <b>Protection and Advocacy Services</b> |                                       |                                |                             |   |                               |
| General Fund                            | 929,107                               | 1,725,815                      | 74,614                      | 1,800,429                                 | (54,013)                      |
| Federal Funds                           | 2,699,032                             | 2,987,503                      | 131,385                     | 3,118,888                                 | 0                             |
| Special Funds                           | 0                                     | 0                              | 0                           | 0   | 0                             |
| <b>Total</b>                            | <b>3,628,139</b>                      | <b>4,713,318</b>               | <b>205,999</b>              | <b>4,919,317</b>                          | <b>(54,013)</b>               |
| <b>Funding Sources</b>                  |                                       |                                |                             |   |                               |
| General Fund                            | 929,107                               | 1,725,815                      | 74,614                      | 1,800,429                                 | (54,013)                      |
| Federal Funds                           | 2,699,032                             | 2,987,503                      | 131,385                     | 3,118,888                                 | 0                             |
| Special Funds                           | 0                                     | 0                              | 0                           | 0   | 0                             |
| <b>Total Funding Sources</b>            | <b>3,628,139</b>                      | <b>4,713,318</b>               | <b>205,999</b>              | <b>4,919,317</b>                          | <b>(54,013)</b>               |

**CHANGE PACKAGE SUMMARY**

360 Protection and Advocacy

Bill#: SB2014

Date: 01/13/2011

Biennium: 2011-2013

Time: 11:02:11

| Description  | Priority | FTE         | General Fund    | Federal Funds  | Special Funds | Total Funds     |
|--|----------|-------------|-----------------|----------------|---------------|-----------------|
| <b><u>Base Budget Changes</u></b>                    |          |             |                 |                |               |                 |
| <b>Ongoing Budget Changes</b>                        |          |             |                 |                |               |                 |
| A-A 1 Ongoing operations                             |          | 0.00        | 97,203          | 38,676         | 0             | 135,879         |
| Base Payroll Change                                  |          | 0.00        | (22,589)        | 92,709         | 0             | 70,120          |
| <b>Total Ongoing Budget Changes</b>                  |          | <b>0.00</b> | <b>74,614</b>   | <b>131,385</b> | <b>0</b>      | <b>205,999</b>  |
| <b>Total Base Budget Changes</b>                     |          | <b>0.00</b> | <b>74,614</b>   | <b>131,385</b> | <b>0</b>      | <b>205,999</b>  |
| <b><u>Optional Savings Changes</u></b>               |          |             |                 |                |               |                 |
| A-G 1 Reduce travel, printing and telecommunications | 1        | 0.00        | (54,013)        | 0              | 0             | (54,013)        |
| <b>Total Optional Savings Changes</b>                |          | <b>0.00</b> | <b>(54,013)</b> | <b>0</b>       | <b>0</b>      | <b>(54,013)</b> |

**BUDGET CHANGES NARRATIVE****360 Protection and Advocacy****Bill#: SB2014****Date:** 01/13/2011**Time:** 11:02:11

|                        |                       |                     |                    |
|------------------------|-----------------------|---------------------|--------------------|
| <b>Change Group:</b> A | <b>Change Type:</b> A | <b>Change No:</b> 1 | <b>Priority:</b> 1 |
|------------------------|-----------------------|---------------------|--------------------|

Ongoing operations

P&A's proposed budget includes decreases in travel, software/supplies, printing, equipment/furniture, repairs, and telecommunications. In the fall of 2009, with the implementation of centralized intake, we realigned some staff assignments creating more efficiency with travel. With our redesigned website, we are using less printed materials such as brochures and flyers. More is being done via e-mail. We have also cut our long distance phone bills (again, e-mail makes a difference).

A budget increase is proposed for professional supplies and materials. P&A's resource library is in need of updated materials. These are catalogued in the State Library system making them available to students and the general public. P&A's outreach offices also need to have more current information including the new Diagnostic & Statistical Manual (DSM) and annual updating of the Physician's Desk Reference (PDR).

Generally, technology costs through ITD are increasing significantly for P&A, especially for some of the smaller outreach offices. The biggest jump is in data processing. Dollars were also included for video conferencing in the Bismarck office.

P&A included reasonable increases for leases for its nine offices around the state. Of course, efforts will be made to get the best possible deal when the leases are actually negotiated in 2011. An increase was also included for professional services, the most significant portion of which is for the Help America Vote Act. Funds are generally used for developing, publishing, and/or producing educational materials for people with disabilities.

Smaller increases are also included for the following because of increased costs: misc. supplies, office supplies, postage, insurance, IT contractual services, operating fees, and professional development.

|                        |                       |                     |                    |
|------------------------|-----------------------|---------------------|--------------------|
| <b>Change Group:</b> A | <b>Change Type:</b> G | <b>Change No:</b> 1 | <b>Priority:</b> 1 |
|------------------------|-----------------------|---------------------|--------------------|

Reduce travel, printing and telecommunications

**Narrative**

P&A made cuts in several budget areas to meet the 3% savings. Most significantly, these are travel, printing, & telecommunications. In wages, over \$22,500 was cut in General Funds and replaced with Federal Funds.

P&A would like to budget the return of the 3% in State monies for the following:

**IT upgrades**

P&A currently uses the video conferencing capability of other agencies on a routine basis for staff meetings & trainings in lieu of face-to-face meetings requiring travel. Having our own equipment in Bismarck, where 16 of the 29 staff work, will create more flexibility & efficiency in scheduling these events as well as P&A training on abuse & neglect, via video conferencing, for service providers & others around the state. Video conferencing may also be used for client/attorney meetings, advisory

**BUDGET CHANGES NARRATIVE****360 Protection and Advocacy****Bill#: SB2014****Date:** 01/13/2011**Time:** 11:02:11

council meetings, and other necessary interactions.

**Production of educational video re: abuse, neglect & exploitation**

P&A's first priority is the protection of individuals with disabilities from abuse, neglect, & exploitation. P&A provides training to service providers but acknowledges the need to reach a broader audience including individuals with disabilities, law enforcement, educational personnel, mental health professionals, etc. P&A would like to partner with individuals with disabilities, and service providers, in the production of a training video to be distributed and used statewide. This activity is also more cost effective, in the long run, than having P&A staff travel to provide the training directly in each instance. P&A will contract with a production company to take on the bulk of this work and will also seek additional funding sources to assist.

**Disability resource materials**

P&A has a loan library of resource materials specific to disability rights issues. The books, tapes, DVD's are catalogued on the ND State Library website as well. Individuals may borrow materials with the only cost being postage to send it back to P&A. Many of the resources should be updated so the borrowers are getting the most current information. P&A also needs to update resource information in its offices for staff use.